

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GRAYS HARBOR ADVENTIST  
CHRISTIAN CHURCH, a Washington non-  
profit organization, et al.,

Plaintiffs,

v.

CARRIER CORPORATION, a Delaware  
corporation

Defendant.

Case No. C05-5437 RBL

ORDER ON DEFENDANT'S MOTION  
TO SEAL

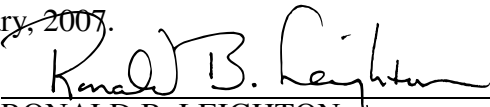
This Matter is before the court on Defendant's Motion to Seal pursuant to the Stipulated Protective Order. The court has reviewed the Motion, the Plaintiffs' Response, the Defendant's Reply to Plaintiffs' Response, and all Supplemental Declarations and materials. Plaintiffs are a putative class of consumers of furnaces manufactured by Defendant Carrier. Plaintiffs allege the furnaces contain a common defect.

At issue here is Carrier's attempt to seal documents that are currently under Conditional Seal pursuant to the Stipulated Protective Order. The court is satisfied that Defendant's Reply (filed 1/9/2007), which significantly narrowed the original list of documents to be sealed, and the recent Supplemental Declaration of Mr. Dempsey (filed 1/9/2007) together sufficiently comply with the Stipulated Protective Order's method for sealing confidential documents. Mr. Dempsey's Declaration provides a particularized showing of "good cause" for each document that Defendant wishes to be sealed as the Plaintiffs requested in their response.

The court agrees with the Plaintiffs that the Stipulated Protective Order does not allow publicly available information to be designated confidential. The court also agrees with Plaintiffs that the Protective

1 Order requires the designating party to “take care” not to unjustifiably stamp unqualified documents as  
2 confidential. The Stipulated Protective Order in Paragraph VI allows for either party to challenge the  
3 confidential designations made by the other party. This method is better for challenging the confidentiality  
4 of certain documents than for the court to grant a blanket denial of Defendant’s Motion to Seal. For the  
5 reasons above and those articulated in the Declaration of Daniel J. Dempsey (filed 1/9/2007), the Defendant’s  
6 Motion is GRANTED. The motions, declarations, and accompanying exhibits as referenced in the Defendant’s  
7 Reply (filed 1/9/2007) shall be kept under seal until further order of the court. The court grants this motion  
8 intending to unseal any documents which are later shown not to qualify as confidential according to the  
9 Stipulated Protective Order.

10 DATED this 18<sup>th</sup> day of January, 2007.

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12 RONALD B. LEIGHTON  
13 UNITED STATES DISTRICT JUDGE  
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